

Judge Franklin D. Burgess

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDWARD WOODRUFF,

Defendant.

NO. CR06-5599FDB

ORDER CONTINUING THE  
PRE-TRIAL MOTION CUTOFF,  
SETTING A NEW PRETRIAL  
CONFERENCE & SETTING A  
NEW TRIAL DATE

Before this court is a stipulated motion for a continuance of the due date of the pre-trial motions which are presently scheduled for October 20, 2006; the pre-trial hearing scheduled for November 16, 2006 and the trial, which is set for November 27, 2006. Defendant, Edward Woodruff, requires additional time to prepare motions, to review discovery, to receive any additional discovery and to prepare for trial.

A continuance is also necessary due to the fact that counsel for the defendants have not yet received discovery and needs time to determine what pre-trial motions should be filed and prepare for trial.

Assistant United States Attorney, Kent Liu, has no objection to a continuance and joins in the motion.

AGREED ORDER CONTINUING DUE DATE  
FOR PRE-TRIAL MOTIONS CUTOFF,  
PRE-TRIAL CONFERENCE & TRIAL DATE - 1

LAW OFFICES OF  
**MICHAEL SCHWARTZ, INC.**  
524 TACOMA AVENUE SOUTH  
TACOMA, WASHINGTON 98402  
(253) 272-7161

1  
2 Defendant is in custody. Further, the defendant is aware of this motion,  
3 and has no objection to a continuance, and join in this motion. Defendant shall file a  
4 waiver of speedy trial through February 28, 2007.

5 That the court finds, based upon the facts set forth in the stipulated  
6 motion, which are hereby adopted as findings of fact and incorporated herein by  
7 reference, and, after a consideration of all relevant information and the circumstances of  
8 this case, that without this continuance the defendants will be prejudiced and the ability  
9 to properly prepare for trial would be impaired. Failure to grant a continuance under  
10 these circumstances would result in a miscarriage of justice. The ends of justice would  
11 best be served by the granting of the motion for continuance to ensure continuity of  
12 counsel and adequate trial preparation. The ends of justice outweigh the best interests of  
13 the public and the defendants in having the matter brought to trial sooner.

14 For these reasons, the court finds the defendant's motion for continuance  
15 should be granted.

16 The motion cut-off date scheduled for October 20, 2006 is VACATED  
17 and shall be RESCHEDULED to December 13, 2006.

18 The trial brief, proposed jury instructions, witness list, any written  
19 stipulations, proposed verdict forms and motions in limine shall be submitted by  
20 February 1, 2007.

21 The pretrial conference scheduled for November 16, 2006 is VACATED  
22 and shall be RESCHEDULED for February 9, 2007 at 2:30 p.m. in Tacoma,  
23 Washington.

AGREED ORDER CONTINUING DUE DATE  
FOR PRE-TRIAL MOTIONS CUTOFF,  
PRE-TRIAL CONFERENCE & TRIAL DATE - 2

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1  
2 The trial date scheduled for November 27, 2006 is VACATED and shall  
3 be RESCHEDULED to February 20, 2007 at 9:00 a.m. in Tacoma, Washington.

4 The period of delay resulting from this continuance from the current trial  
5 date of November 27, 2006, up to and including the new trial date of February 20, 2007,  
6 is hereby excluded for speedy trial purposes under 18 U.S.C. 3161(h)(8)(A) and (B) for  
7 purposes of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. §  
8 3161-3174.

9 IT IS SO ORDERED.

DONE this 8<sup>th</sup> day of November, 2006.

10  
11  
12 ..  
13 

FRANKLIN D. BURGESS

UNITED STATES DISTRICT JUDGE

14 Presented by:

15 LAW OFFICES OF MICHAEL E. SCHWARTZ, INC.

16 Attorney for Edward Woodruff

17 By: /s/

18 Michael Schwartz, WSBA #21824

19 Approved by:

20 UNITED STATES ATTORNEY'S OFFICE

21 By: APPROVED TELEPHONICALLY

22 Kent Liu

23 Assistant United States Attorney

AGREED ORDER CONTINUING DUE DATE  
FOR PRE-TRIAL MOTIONS CUTOFF,  
PRE-TRIAL CONFERENCE & TRIAL DATE - 3

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